



MEDICAL ASSISTANCE BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

ISSUE DATE September 28, 2007	EFFECTIVE DATE October 1, 2007	NUMBER 99-07-16
SUBJECT Tamper Resistant Prescription Pads	 Michael Nardone, Deputy Secretary Office of Medical Assistance Programs	

PURPOSE:

The purpose of this bulletin is to notify providers enrolled in the Medical Assistance (MA) Program that on and after October 1, 2007, providers must use tamper-resistant prescriptions pads when writing prescriptions for outpatient drugs for MA recipients in the fee-for-service delivery system, including the ACCESS Plus Program.

SCOPE:

This bulletin applies to all providers enrolled in the MA Program who write outpatient drug prescriptions for MA recipients in the fee-for-service delivery system, including the ACCESS Plus Program.

BACKGROUND/DISCUSSION:

Section 7702(b) of the U.S. Troop Readiness, Veteran's Health Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 110-28), amended Section 1903(i) of the Social Security Act (the Act), 42 U.S.C. § 1396b(i), by adding new subparagraph (23). The amendment requires that prescriptions for covered outpatient drugs be written on a tamper-resistant prescription pad in order to be eligible for MA payment. The requirement applies only to written prescriptions for outpatient drugs, including over-the-counter drugs, presented for payment in the fee-for-service delivery system; it does not apply to written prescriptions presented for payment in the managed care delivery system.

This requirement applies to written prescriptions for all MA recipients in the fee-for-service delivery system, including:

- Medicare recipients ("dual-eligibles") for those drugs covered by the MA Program and not covered by Medicare Parts B or D;
- MA recipients in HealthChoices Behavioral Health managed care organizations, if the prescription is paid by the fee-for-service delivery system;
- MA recipients with primary private insurance, whose outpatient prescription drugs are paid by the fee-for-service delivery system;

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate toll-free number for your provider type.

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap

- MA recipients being discharged from an inpatient hospital setting when the MA Program pays for prescribed drugs on an outpatient payment basis in the fee-for-service delivery system;
- MA recipients being discharged from a nursing facility when the MA Program pays for prescribed drugs on an outpatient payment basis in the fee-for-service delivery system; and
- MA recipients receiving outpatient hospital clinic or independent medical clinic, outpatient psychiatric clinic, outpatient drug and alcohol clinic, or psychiatric partial hospitalizations services when the MA Program pays for prescribed drugs on an outpatient basis in the fee-for-service delivery system.

The Federal requirement applies to all prescriptions for MA recipients, regardless of whether the prescriber is enrolled in the MA Program, if the MA Program will pay for the prescription.

The Federal requirement does not change the scope of drug benefit coverage available under the MA Program.

The requirement does not apply to:

- verbal, facsimile or electronically transmitted prescriptions;
- refills of existing prescriptions when the original written prescription was presented to the pharmacy on or before September 30, 2007;
- written prescriptions for MA recipients presented for payment in the managed care delivery system;
- original written prescriptions written for recipients who are determined retroactively eligible for MA;
- prescriptions written for MA recipients who live in nursing facilities, intermediate care facilities, and other similar institutional and clinical settings when the prescriber or medical staff write the order into the medical record and the order is transmitted by telephone, facsimile or electronically by medical staff directly to the pharmacy; and
- drugs dispensed by dispensing providers.

According to the guidance issued by the Centers for Medicare and Medicaid Services (CMS), by October 1, 2007, written prescriptions for outpatient drugs for MA recipients must be written on tamper-resistant prescription pads that have one of the following characteristics:

- 1) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;
- 2) one or more industry-recognized features designed to prevent erasure or modification of information written on the prescription by the provider;
- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

Effective with dates of service on and after October 1, 2008, written prescriptions for outpatient drugs for MA recipients must be written on tamper-resistant prescription pads that have all three of the Federally prescribed characteristics.

Pharmacists may fill a prescription that is not tamper resistant on an emergency basis as long as the prescriber provides a verbal, faxed or electronic prescription or a written prescription using a tamper-resistant prescription pad, to the pharmacist within 72 hours after the prescription is filled.

PROCEDURE:

Effective with dates of service on and after October 1, 2007, written prescriptions for MA recipients must be written on tamper-resistant prescription pads that have one of the Federally prescribed characteristics. Examples that meet the required characteristics are as follows:

- 1) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form include but are not limited to the following:
 - a “latent” void pattern printed across the entire width of the prescription blank, such that when copied, the word “void” appears across the entire front of the prescription
 - a watermark that can be read only by holding the original at a 45-degree angle
 - a micro-line that is so small that it can be read only with a magnifier on the original but cannot be read from a copy

- 2) one or more industry-recognized features designed to prevent erasure or modification of information written on the prescription by the provider include but are not limited to the following:
 - erasure-protected backgrounds such as green or blue
 - prescribing in indelible ink to prevent erasure
 - paper that contains solvent reactive products which prevent washing of a prescription
 - paper that contains a word or symbol printed with ink that disappears if rubbed or scratched too briskly

- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms include but are not limited to the following:
 - warning bands on the top and bottom of the form with security features
 - thermo-chromatic ink that changes color when exposed to heat
 - a thermal reactive patch that lightens or disappears when touched, rubbed or breathed on that will re-darken when cooled

The Department will require pharmacy providers to populate the National Council for Prescription Drug Programs (NCPDP) Version 5.1, field 419-DJ - Prescription Origin Code, using the following codes, to identify how the pharmacy received the prescription:

- 1 - written prescription;
- 2 - telephone prescription;
- 3 - electronic prescription;
- 4 - facsimile prescription.

More specific information about this new Federal requirement may be found in the Frequently Asked Questions and Answers that are posted on the Department's website at the following website address:

http://www.dpw.state.pa.us/Resources/Documents/Pdf/QAs_Tamper_Resistant_091707.pdf

The Department will update the questions and answers periodically as additional Federal clarification is provided.

A list of printers who are approved tamper-resistant prescription pad suppliers is provided in Attachment A.

ATTACHMENT:

Attachment A: Approved Tamper-Resistant Prescription Pad Suppliers